

High Road West - Council Risk Register v 18th August 2017

Ref	Risk Description <small>[Identify the risk(s) to the programme that would reduce or remove the likelihood of the programme reaching its objectives include: the cause or source of risk, the event and its effect]</small>	Possible causes of the Risk	Possible consequences of the risk	Timing/ deadline	Risk Owner	Impact if risk occurs (1 (low) - 5 (high))	Probability of risk occurring (1 (low) - 5 (high))	Mitigating Action <small>[summarise the actions to reduce or eliminate the risk(s) associated with the project. It is good practice to formulate mitigation actions in conjunction with colleagues]</small>	RAG Status <small>[combine score of risk impact and risk probability]</small>	Open / Closed	Date closed
1	Ability of the Council and preferred bidder to conclude the contract negotiations within 3 months.	Capacity of the Council to manage the process - skills, resources; contract T&C's not acceptable to one or other party.	Timescales slip; reputation risks to the Council and preferred bidder; potential impact on the relationship between the Council, preferred bidder and third parties.	3 months from end of standstill period.	Head of Area Regeneration	4	3	A robust programme will be put in place following the conclusion of the standstill periods. External and in-house legal and commercial advisors are actively engaged with Council officers to identify and close out any terms which may cause problems.	12	Open	
2	Failure of the Council to enter into the DA and associated legal documents.	Signing of the legal agreements may be compromised or significantly delayed due to the decision not properly made and/or successfully challenged through Council or judicial processes.	Non achievement of the delivery of the Scheme objectives and growth figures; unsustainable financial future; reputation risks to the Council; impact on the Council's ability to secure partners for future development projects	Late December 2017/early January 2018	Head of Area Regeneration	4	2	Communication with senior officers, Council Members and the public is in place to ensure concerns are answered and proposals are aligned with Members' expectations; where action is required it is built into project. Corporate procedures and processes in place to respond to enquiries and FOI's. Detailed legal assurance (including by QC) of cabinet papers. An internal and an external audit of the Scheme has taken place.	8	Open	
3	Failure in governance arrangements pertaining to the Steering Group.	Council processes conflict with the Steering Group; Capacity of the Council to manage the process: skills and/or resources; incorrect or inadequate legal advice.	Key decisions either (a) delayed (b) are not made causing a delay to the scheme and loss of community confidence.	Post DA being signed	Head of Area Regeneration	4	2	The Council will ensure that officers representing the Council on the Steering Group and actioning as points of escalation are identified. It is important that officers have the correct level of seniority and are able to make decisions.	8	Open	
4	Failure of the Steering Group to complete the site wide conditions pertaining to the DA.	Not securing Secretary of States Consent to dispose of housing land; the development partner not securing planning approval; the Steering Group failing to agree the necessary strategies. This could be caused by incorrect or inadequate legal advice; incorrect or inadequate planning advice; disagreement between organisations in the Steering Group.	The DA does not become unconditional and the Scheme is not taken forward.	Post signing the DA.	Head of Area Regeneration	4	2	External legal and QC advice will be secured and statutory processes followed accurately. Early development of the strategies and joint working on the strategies to ensure that they can be agreed quickly.	8	Open	
5	Insufficiently robust legal terms and financial model.	Capacity of the Council to conclude and execute the agreements skills and/or resources; incorrect or inadequate legal and/or commercial advice.	Financial losses to the Council; unsustainable financial future; non-achievement of the Scheme's objectives.	Late December 2017/early January 2018	Head of Area Regeneration	5	1	Senior internal governance is in place to steer outcomes on critical issues and approve final terms. Expert commercial and legal advice is in place through to finalisation of documents.	5	Open	
6	Insufficient funds or Treasury arrangements to cash flow the Scheme.	A delay in entering into the individual Borough Intervention Agreements with the GLA; a delay in the Council joining the Group Investment Syndicate.	The Council needs to use it's own funds to cash flow acquisitions; a delay in acquiring land.	Post signing the DA.	Head of Area Regeneration	4	1	Overarching Borough Agreement is in place with the GLA and individual BIA's are being progressed. The July 2016 Cabinet ring fenced funding to support the delivery of the Scheme.	4	Open	
7	Public/ stakeholder/ media opposition to the Scheme and preferred bidder.	Propagation of misinformation, inadequate consultation and/ or community engagement processes; inadequate communications/ media management programme.	Non achievement of the Scheme objectives; reputation risks to the Council and preferred bidder; impact on the Council's ability to secure partners for future development projects. Resident concern increases member opposition and/or vice versa.	Pre- and post when DA being signed.	Head of Area Regeneration	3	3	Building on the existing successful engagement with the community, the Council will put in place a robust communications and engagement programme, following selection of the preferred bidder. Post signing of the DA, the Council and the preferred bidder will implement (a) a robust shared communications plan and (b) a strong commitment to transparency. The High Road West Team have spent many years engaging and building relationships with the community- these relationships will be key to the success of any future communications and engagement strategies.	9	Open	
8	Interdependencies, or potential conflict, between other Council/third party regeneration projects in North Tottenham (WHL station, WHL public realm, THFC, HDV).	The Council's regeneration function not fulfilling its overall leadership and co-ordination role; The preferred bidder and third parties not co-operating or communicating with Council and each other.	Delays to delivery of the Scheme, and other critical regeneration projects; reputation risks to the Council and preferred bidder; impact on the Council's ability to secure partners for future development projects; potential financial losses due to non-completion of development.	Post signing the DA.	Director of Regeneration	3	2	The regeneration projects in North Tottenham are coordinated through the Tottenham Regeneration Programme governance structure. Dependencies/risks across key projects are caught in risk registers and in other relevant programmes and actively managed. Council's regeneration function will co-ordinate development activity and brokering relationships. The DA will also ensure that a landowners Group is established to facilitate the coordination of the three major regeneration schemes in North Tottenham; High Road West, Northumberland Development Project and Northumberland Park Estate.	6	Open	

9	Lack of transparency of the financial model and associated assumptions.	Lack of Council resources to fully interrogate and challenge the assumptions in the financial model.	Assumptions within the financial model are incorrect; the Council's land value is affected. Overall Scheme viability undermined.	When the DA is unconditional.	Head of Area Regeneration	4	1	The DA sets a framework for open book accounting and transparently. The preferred bidder will also pay for an independent cost consultant who will have a duty of care to the Council. The procurement strategy will also be agreed at the Steering Group. The Council will put in place the necessary recourse internally and externally to monitor the financial model and assumptions.	4	Open	
10	Termination of the DA.	Judicial Review challenges; failure of the Council or preferred partner to undertake obligations within the DA.	Financial risk to Council and preferred partner. Jeopardy of outcomes; Reputational risk to all parties. Even if failure avoided, there is risk of need to bring expensive consultants in at short notice to do so.	When the DA is unconditional.	Head of Area Regeneration	5	2	Robust process followed to minimise risk from JR. Commercial Deal structured and agreed by parties and experienced advisers Pinsent Masons and GVA, so that Legal Documents, are based on this and capture market best practice, negotiation at Steering Group.	10	Open	
11	Preferred bidder enters into administration/ is subject to take over and does not have the resources to deliver alongside other major projects..	Poor financial evaluation/ modelling processes by the Council and/ or preferred bidder; changes to wider economic circumstances or legislation impact on the viability of the preferred bidder; Bidder has a lack of resources to deliver the Scheme.	Cost implications for non-delivery of projects - legal challenges from contractors; non-achievement of, or delay to the Council objects; reputation risks to the Council and the preferred bidder	Post signing the DA.	Head of Area Regeneration	4	1	Due diligence in the procurement process has assessed financial viability of the preferred bidder and ability to resource and deliver the Scheme. Ongoing review of the preferred bidder's financial performance will be undertaken post signing the DA. Independent assurance processes (audit) assigned to review the Scheme.	4	Open	
12	Loss of focus on or failure to deliver the non-housing outcomes e.g. social economic, sustainability.	Lack of financial incentives/ outcomes for the preferred bidder; poor engagement and/ or communications between the council and the preferred bidder; contract T&C's do not cover the required delivery outcomes.	Breakdown in the relationship between the partners; non achievement of the Tottenham People Priority objectives; reputation risks to the Council and preferred bidder; negative media coverage; impact on the Council's ability to secure partners for future development projects	When the DA is unconditional.	Head of Socio Economic Regeneration	3	1	Robust legal structure in place, which ensures that socio-economic outcomes are a condition which must be satisfied prior to land being drawn down. Therefore Scheme can not proceed if socio-economic outcomes are not achieved.	3	Open	
13	Planning requirements including conservation, environmental, transport or other obligations makes viability and / or delivery generally difficult.	Compliance with requirements of planning policy, including affordable housing, viability review mechanisms is more difficult than anticipated, either due to overestimation of delivery team, stakeholder intervention, regional intervention or political intervention.	Need to refine the scheme, potentially putting pressure on viability, particularly on social benefits and potentially putting fundamental pressures on delivering elements of the scheme	Planning process	Head of Area Regeneration/ Developer	3	3	Liaise with Planning colleagues throughout process, agree to Planning Performance Agreement, ensure high quality of skills and capacity to understand planning needs.	9	Open	
14	Unexpected ground conditions such as contamination of land.	As much of the site is formerly industrial, there is a possibility of significant substructure contamination on site, particularly to the north (probably later phases) and Moselle Culvert may be too fragile to build around.	Additional cost of remediation / alternative methodology for delivery - e.g. if ground conditions don't sustain quantum / size of buildings, additional piling might be needed	Pre-construction	Developer	3	2	Due diligence has been undertaken, indicating that there is limited risk of significant ground condition problems. Further site surveys will be required during and post planning to better understand implications of ground conditions.	6	Open	
15	Library and Learning Centre does not meet user needs.	Lack of understanding, e.g. through lack of engagement or rapid advances / changes in technology or changing use needs means that LLC is not fit for purpose.	Underused facility with problematic business case	Planning process	Head of Area Regeneration	2	1	Close engagement with library providers and users, combined with levels of expertise in delivery to ensure flexible long term solution to delivery of library. Need client support consisting of consultant library expertise.	2	Open	
16	Land assembly including associated issues such as Rights of Light and achieving clean title is not achieved.	Unwilling land owners, lack of information, poor case (e.g. at CPO).	Delays or worst case scenario, changes required to the scheme which could change delivery of objectives or viability of the scheme.	Planning process	Head of Regeneration	4	2	Legal advice throughout the process; proactive and professional property team including engagement, valuation and property agency services.	8	Open	
17	Costs for project delivery of elements of the scheme (e.g. Library and Learning Centre) are higher than anticipated and put pressure on the social benefits.	Changing financial markets or underestimate of complexity of project / additional costs of delivery, changing of specification.	Underspecified facility or pressure on other social benefits	Pre-construction	Head of Area Regeneration	2	1	Professional team ensuring that specification is fit for purpose and costs are identified from the outset with contingency for changes throughout the scheme whether due to internal or external pressures.	2	Open	
18	Failure to overcome negative perception of the north Tottenham area results in failure to attract residential, commercial or other investment.	Scheme is not of a high enough quality or marketing is not effective	Challenges to viability in later phases. Reputational damage to the Council	Construction phase	Director of Regeneration	4	1	Professional team ensuring that high quality is provided throughout the scheme and that quality is known in the market so that investment is attracted.	4	Open	
19	Failure to deliver in accordance with external funding (Housing Zone) requirements.	Changes to the scheme combined with pressures on the fund	Reduction in the quality of the scheme / social benefits	Delivery	Head of Regeneration	3	1	Close working with GLA colleagues and monitoring of the Housing Zone objectives through the Tottenham Regeneration Programme.	3	Open	

